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20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA

22	In re EXODUS COMMUNICATIONS, INC.	)	Master File No. C-01-2661-MMC
	SECURITIES LITIGATION	)	
23		)	<u>CLASS ACTION</u>
24	This Document Relates To:	)	STIPULATION AND <del>PROPOSED</del> ORDER
25	ALL ACTIONS.	)	CONTINUING CASE MANAGEMENT
		)	CONFERENCE

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**Stipulation**

The parties to this action stipulate and agree as follows:

1. A case management conference in this matter is presently scheduled for October 28, 2005. The parties have met and conferred as required by local rule, they have discussed a proposed case schedule and have exchanged a draft case management schedule.

2. The parties believe that permitting the parties to engage in certain initial discovery in order to resolve issues relating to Exodus Communications, Inc.'s ("Exodus") corporate documents before setting a case schedule would substantially benefit both the parties and the Court. The parties are in discussions regarding the extent of such discovery and defendants reserve their rights to object to such discovery. While this action has been pending, the relevant corporate entity, Exodus, filed for bankruptcy and sold its principal assets to the Cable & Wireless group of companies. The relevant Cable & Wireless subsidiary subsequently filed for bankruptcy itself and has since sold its operating assets to Savvis Communications, Corp. ("Savvis").

3. Although plaintiffs (with the Court's permission) served Cable & Wireless and Exodus with document preservation subpoenas in 2003, none of the parties knows whether Exodus' corporate records were retained by its bankruptcy administrator or were, instead, transferred to Cable & Wireless and/or to Savvis. As a result, the parties understand that there is a possibility that business records were transferred to the successor entities and may or may not have also been preserved by the bankruptcy estates. Discovery, which could not have been undertaken while the automatic stay of discovery was in place, is now being undertaken to determine the location and status of the relevant business records.

4. Without knowing whether the documents have been centrally gathered and preserved, or conversely, whether substantial efforts will be required to gather the records, including records stored electronically, the parties have been unable to agree upon a case schedule and other discovery limitations. The parties believe that it would substantially benefit the parties and the Court to permit the parties to take such third-party discovery necessary to determine the location and existence of Exodus' business records prior to conducting the initial case management conference and setting a litigation schedule.

6 [Proposed] Order

11 DATED: October 24, 2005

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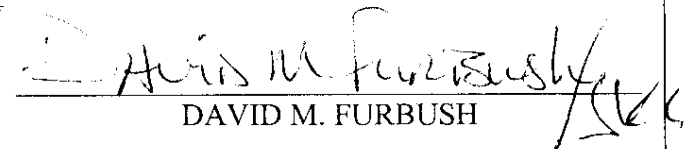
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